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RESPONSE UNDER

37 C.F.R. § 1.116

EXPEDITED PROCEDURE

EXAMINING GROUP 1642

PATENT

0020-4463P

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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Kyogo ITOH et al. Conf.: 2396

Appl. No.: 09/202,047 Group: 1642

Filed: December 7, 1998 Examiner: L. Helms

For: TUMOR ANTIGEN PROTEINS, GENES THEREFOR,
AND TUMOR ANTIGEN PEPTIDES

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

Assistant Commissioner for Patents
Washington, DC 20231

February 22, 2002

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated August 22, 2001 of the Primary Examiner finally rejecting claims 6-9, 12 and 13.

The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$920.00 is required for the full period of the above-requested extension of time.

An extension of _____ () month(s) for responding to the Final Rejection was previously requested and paid for on _____. Thus a fee of \$0.00 is required to obtain an additional _____ () month(s) for filing the Notice of Appeal.

02/25/2002 JADDO1 00000038 09202047

01 FC:119
02 FC:117

320.00 OP
920.00 OP

Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

Large entity - \$320.00

Small Entity - \$160.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$1,240.00.

Payment of the above TOTAL FEE is being made in the following manner:

Check(s) in the amount of \$1,240.00 is/are enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Gerald M. Murphy, Jr., #28,977

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GMM/KLR:gmt
0020-4491P

(Rev. 09/26/01)